

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CHURON JAMES,

Plaintiff,

V.

BUBBA'S 33,

Defendant.

Case No. 6:24-cv-458-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Churon James filed this lawsuit alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964. Docket No. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On March 3, 2025, Judge Mitchell issued a Report recommending that Defendant's unopposed motion to dismiss and compel arbitration be granted-in-part and denied-in-part. Docket No. 19. No written objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 19) as the findings of this Court. Accordingly, Defendant's unopposed motion to dismiss and compel arbitration (Docket No. 15) is **GRANTED-IN-PART** and **DENIED-IN-PART**. The motion to compel arbitration is **GRANTED**, and the motion to dismiss is **DENIED**.

The Court **ORDERS** that this case is **STAYED** pending resolution of the arbitration proceedings. It is further **ORDERED** that the Clerk shall administratively close this case pending arbitration. The parties shall file a written notice with the Court if any unresolved issues remain following arbitration. Upon a proper showing of justiciable issues following arbitration, the case may be placed back on the Court's active docket.

So **ORDERED** and **SIGNED** this **19th** day of **March, 2025**.

A handwritten signature in black ink, reading "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE